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1639

RESPONSE TO RESTRICTION REQUIREMENT	
Address to:	Attorney Docket Confirmation No.
Commissioner for Patents	10010464-1
P.O. Box 1450	Svetlana V. Shchegrova
Arlington VA 22313-1450	Application Number
	10/061,800
	Filing Date
	January 30, 2002
	Group Art Unit
	1639
	Examiner Name
	My Chau T Tran
	Title
	Error Correction in Array Fabrication

Dear Sir:

This communication is responsive to the office communication dated March 19, 2004.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., Claims 1-5;  
Group II, i.e., Claims 6-24;  
Group III, i.e., Claims 25-33;  
Group IV, i.e., Claims 34-36;  
Group V, i.e., Claims 37-40;  
Group VI, i.e., Claims 41-43;  
Group VII, i.e., Claim 44;  
Group VIII, i.e., Claim 45;  
Group IX, i.e., Claims 46-47; or  
Group X, i.e., Claim 48,

for further prosecution in this application.

The Applicants hereby elect Group I with traverse.

The Applicants also respectfully urge the Examiner to rejoin the claims of the remaining groups with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to do so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

**If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.**

In the present case, the claims of the remaining groups include all of the elements found in the claims of Group I.

Specifically, with respect to the claims of Group II and III the Examiner asserted that this group is unrelated to Group I because the step of moving a second dispenser of Group I is not required in Group II. However, Group II requires moving a further frame of dispensers and dispensing therefrom, where the further frame is made up of multiple "second" dispensers. Similarly, the claims of Group III require moving multiple frames of second dispensers into the selected path and dispensing from the non-error second dispensers. As such, the claims of Groups II and III are not unrelated to Group I, contrary to the Examiner's characterization.

Furthermore, with respect to Groups IV, V, VI and VII, these groups all have a process which performs a step of moving a second dispenser, whether or not the second dispenser is by itself or part of a frame or multiple frames, analogous to the claims of Groups I, II and III. As such, these groups are related to each other, contrary to the Examiner's characterization.

With respect to Groups IV, V, VI and VII, these groups all have a processor which performs the steps of Groups I, II and III. Accordingly, a search of Groups I (as well as II and III) will identify all art relevant to Groups IV, V, VI and VII.

Finally, with respect to Groups VIII, IX and X, these groups all incorporate the elements of Group I, since they employ an array made by the process of Group I.

As such, the search for the claims of Group I will find any relevant prior art relating to the claims of the remaining groups.

Accordingly, little, if any, additional searching should be required for the claims of the remaining groups, and therefore the examination of the claims of the remaining groups together with the claims of elected Group I should impose little, if any, additional burden on the Examiner.

As such, examining the claims of the remaining groups and the claims of elected Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the claims of the remaining groups and with the claims of elected Group I and to examine all the claims together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: 4.19.04

By: 

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IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Svetlana V. Shchegrova

Serial No.: 10/061,800

Examiner: My Chay T. Tran

Filing Date: 01-30-2002

Group Art Unit: 1639

Title: ERROR CORRECTION IN ARRAY FABRICATION

COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

(X) Response/Amendment ( ) Petition to extend time to respond  
( ) New fee as calculated below ( ) Supplemental Declaration  
( ) No additional fee (Address envelope to "Mail stop Non-Fee Amendments")  
(X) Other: Postcard (fee \$ \_\_\_\_\_)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						+ \$290
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A final copy of this sheet is enclosed.

"Express Mail" label no. EV405281330US

Date of Deposit 04-19-2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

By Donna Macedo

Typed Name: Donna Macedo

Respectfully submitted,

Svetlana V. Shchegrova

By

Bret Field for Gordon Stewart

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Date: 04-19-2004

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- Attach as First Page to Transmitted Papers -